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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,242

10/31/2003

Kaoru Kijima

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07/27/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT

PAPER NUMBER

3685

NOTIFICATION DATE

DELIVERY MODE

07/27/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Notice of Allowability	Application No.	Applicant(s)	
	10/697,242	KIJIMA ET AL.	
	Examiner	Art Unit	
	CHARLES C. AGWUMEZIE	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed March 15, 2010.
2. ☒ The allowed claim(s) is/are 1,2,5,7-11,14,15,17-21,24-27 and 30-32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>11/7/06 and 3/13/07</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|--|

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
July 16, 2010

DETAILED ACTION

Acknowledgments

1. Applicants' amendment filed on March 15, 2010 is acknowledged and is hereby entered. Accordingly claims 1-2, 5, 7-11, 14-15, 17-21, 24-27, and 30-32 have been allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record are U.S. Patent Application Publication No. 2003/0200216 A1 to Hayes et al and U.S. Patent Application Publication No. 2002/0138442 A1.

Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." In re Glaug F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-39 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, the inventor's lexicography must prevail...." Id. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

5. The primary reference Hayes et al (Patent Application Publication No. 2003/0200216 A1) teaches or describes various variations in which a user receives a physical CD and transmits an ID unique to the CD (or the client device) when the CD is reproduced at the at the client device. When the central access control system

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determines that the user is authorized to access the content on the CD based on the received identification information, a key is transmitted from the central access control system to the client device.

Hori relates to system in which a personal computer 60 obtains music data and identification information of the music data from a CD and transmits the identification information to a license management server 11. The personal computer 60 receives an encryption key and additional information of the music data from the license management server and encodes the music data to generate content data and encrypts the content data with an encryption key to generate encrypted content data, which is uploaded to the personal computer together with the additional information. Thus, in Hori, once the additional data is retrieved at the personal computer 60, the license processing appears to occur at only at the personal computer 60 without any further interaction with the license management server 11.

Hayes and Hori, either alone or in proper combination fails however to at least teach or describe "transmitting the identification information and information that represents a use mode of the data recording medium to the management server" and "updating, at the management server, the management information each time the identification information and information that represents a use mode of the data recording medium is received," as required by the independent Claims.

Moreover, the missing claimed elements from Hayes are not found in a reasonable number of reference(s). Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the

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time the invention was made would not have been motivated to include these missing elements in an embodiment in the Hayes disclosure because: such would have changed the basic working principles and the operation of Hayes which is silent on "transmitting the identification information and information that represents a use mode of the data recording medium to the management server" and "updating, at the management server, the management information each time the identification information and information that represents a use mode of the data recording medium is received," as required by the independent claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior arts made of record and not relied upon is considered pertinent to applicants disclosure.

- Inoue et al (U.S. Patent Application Publication No. 2004/0117309 A1) discloses Content Management System and Information Recording system.
- Hurtado et al (U.S. Patent Application Publication No. 2003/0105718 A1) discloses Secure Electronic Content Distribution on CDS and DVDS.

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- Miura et al (U.S. Patent Application Publication No. 2002/0178376 A1) discloses Content Management System, Content Management Terminal, Usage Rules Management Server, Content Management Method, and Content Management Program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Calvin Hewitt** can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
July 16, 2010